

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

PATRICK BERRIOS DESIGNS, INC.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
ARTHUR MONROE CONSTRUCTION,	§	CIVIL ACTION NO. H-05-3633
L.L.C.,	§	
ARTHUR MONROE,	§	
and	§	
VIVIAN MONROE,	§	
	§	
Defendants.	§	

MEMORANDUM AND ORDER

Pursuant to the hearing held on August 29, 2006, Defendants are hereby **ORDERED** to transfer the net proceeds of the sale of the house at issue, 7802 Links Crossing, Spring, Texas 77389, to the Court registry no later than Friday, September 1, 2006. The net proceeds shall be defined as the \$402,109.21 “cash to seller” reflected on the HUD-1 Settlement Statement less the amounts paid to Mike and Bernadette Macomber, and shall not be less than \$170,000. Defendants are further **ORDERED** to notify the Court of the amount transferred and to provide an accounting of the method used to calculate the net proceeds.

With respect to the issue of Mr. Monroe’s deposition, Defendants are **ORDERED** to inform Plaintiff’s counsel in writing by the close of business on August 30, 2006 as to whether Mr. Monroe will submit to a deposition in his individual capacity or assert his Fifth Amendment privilege.

Defendants are hereby put on notice that contempt sanctions pursuant to Federal Rule of Civil Procedure 37 will apply should they fail to comply with this Order.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 29th day of August, 2006.

A handwritten signature in dark ink, appearing to read "Keith P. Ellison", is written above a horizontal line.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**